

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on August 2, 2005 at 7:00 p.m.

Mayor White presiding.

The following members of the Council answered roll call: YEA Commissioner David Cline, YEA Commissioner Terry Cook, YEA Commissioner Randy Ervin, YEA Commissioner David Schilling, YEA Mayor Charles E. White.

Also in attendance were City personnel: City Administrator Richard Underkofler, City Attorney/Treasurer J. Preston Owen, Public Works Director David Wortman, Police Chief Larry Metzelaars, Community Coordinator Kyle Gill, Fire Chief Bruce Grafton, Librarian Jennifer Cisna and City Clerk Susan O'Brien.

CONSENT AGENDA

(Items listed on the Consent Agenda are considered to be routine in nature and will be enacted by one motion. Prior to asking for a motion to approve the Consent Agenda, the mayor will ask if anyone desires to remove an item from the Consent Agenda for public discussion. No separate discussion of these items will occur unless a Council Member requests the item to be removed from the Consent Agenda. If an item is removed from the Consent Agenda, it will be considered elsewhere on the agenda for this meeting.)

Mayor White seconded by Commissioner Cline moved to approve consent agenda consisting of: minutes of the regular meeting July 19, 2005; payroll and bills for the last half of July; Special Ordinance 2005–1091, granting a variance to the sign ordinance to allow a 17- foot setback in lieu of a 20-foot setback at 520 N 19th Street – Dannie W. Gordon, applicant; Council Decision Request 2005-488, approving the regular employment status of Firefighter Barry S. Pullen effective August 8, 2005 following a successful one year probationary period; Council Decision Request 2005-489, reporting bids received and authorizing a \$54,549 procurement from Key Equipment and Supply Co. for nine 30 yard recycling containers; Council Decision Request 2005-490, authorizing re –fabrication of four functionally obsolete recycling containers owned by the municipality for placement at new locations to increase the quantity of recyclable commodities collected by Howard's Disposal Service; Council Decision Request 2005-491, approving the appointment of Brandon Burkybile to succeed Teri Whitley in a Lake Land College intern position in the engineering Division of the Public Works Department; Council Decision Request 2005-492, authorizing a \$5,000 expenditure from the City Council's General Fund Contingency Account for an advertising sponsorship for half-page ads in three Sesquicentennial Editions of the Mattoon Journal Gazette and Charleston Times Courier.

Bills and Payroll for the last half of July, 2005

General Fund

Payroll	\$	227,829.91
Bills	\$	45,959.69
Total	\$	273,789.60

Hotel Tax Fund

Payroll	\$	2,272.33
Bills	\$	651.10
Total	\$	2,923.43

Festival Management

Bills	\$	66,032.95
Total	\$	66,032.95

Insurance & Tort Judgment

Bills		\$	6,272.97
	Total	\$	6,272.97
	<u>Midtown TIF Fund</u>		
Bills		\$	247.17
	Total	\$	247.17
	<u>Capital Project Fund</u>		
Bills		\$	3,741.36
	Total	\$	3,741.36
	<u>Water Fund</u>		
Payroll		\$	28,274.49
Bills		\$	35,430.94
	Total	\$	63,705.43
	<u>Sewer Fund</u>		
Payroll		\$	31,272.59
Bills		\$	39,548.73
	Total	\$	70,821.32
	<u>Cemetery Fund</u>		
Payroll		\$	2,295.54
Bills		\$	4,965.97
	Total	\$	7,261.51
	<u>Motor Fuel Tax Fund</u>		
Bills		\$	22,957.05
	Total	\$	22,957.05
	<u>Health Fund</u>		
Bills		\$	47,858.48
	Total	\$	47,858.48

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE 2005-1091

AN ORDINANCE GRANTING A VARIANCE TO THE SIGN ORDINANCE TO
DANNIE W. GORDON TO ALLOW A 17 FOOT SETBACK IN LIEU OF A 20 FOOT
SETBACK AT 520 NORTH 19TH STREET

WHEREAS, there was filed with the Community Development Coordinator of the City of Mattoon, County of Coles, Illinois, a certain Petition by Dannie Gordon, praying that variance be granted from requirements of the sign code of the municipality on real estate described as:

Lot (7) and the north 10 feet of Lot (8), in W.S. Hinkle's Subdivision on Block (48) in the
Original Town now City of Mattoon, Coles County, Illinois, also known as 520 N. 19th Street

WHEREAS, said Petition was reviewed by the Community Development Coordinator and recommended to the City of Mattoon Planning Commission; and

WHEREAS, said Petition was submitted to the Planning Commission for their recommendation on July 25, 2005; and

WHEREAS, said Petition was considered by the Planning Commission, and was recommended by a majority vote, that the Petition be allowed, and that a variance be granted from requirements of the sign code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. A variance is hereby granted from requirements of the sign code, as authorized by Section §160.13 of Chapter 160 of the Code of Ordinances of the City of Mattoon, for the real estate described as 520 North 19th Street, to allow a lighted ground sign with a setback of 17 feet from the east curb line of North 19th Street instead of the required 20 feet.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor White, seconded by Commissioner Cline, adopted this 2nd day of August, 2005, by a roll call vote, as follows by consent agenda:

AYES (Names)	<u>Commissioner Cline, Commissioner Cook</u> <u>Commissioner Ervin, Commissioner Schilling</u> <u>Mayor White</u>
NAYS (Names)	<u>None</u>
ABSENT (Names)	<u>None</u>

Approved this 2nd day of August, 2005.

/s/ Charles E. White
Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion for approving the consent agenda carried by the following vote: YEA Commissioner Cline, YEA Commissioner Cook, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

PUBLIC PRESENTATIONS, PETITIONS AND COMMUNICATIONS

This portion of the City Council meeting is reserved for persons who desire to address the Council. The Illinois Open Meeting Act mandates that the City Council may NOT take action on comments received on matters that have not

been identified on this agenda, but the Council may direct staff to address the topic or refer the matter for action on the agenda for another meeting. Persons addressing the Council are requested to limit their presentations to three minutes and to avoid repetitious comments.

Miss Baillie Beck addressed the Council, seeking City Council endorsement for a Teen Center. Commissioner Schilling complimented Miss Beck on her presentation, suggested another possibility of the YMCA, and stated the City would work with the group.

Mayor White opened the floor for public discussion. There was no other public discussion.

UNFINISHED BUSINESS

Mayor White seconded by Commissioner Schilling moved to adopt Special Ordinance 2005-1092, repealing ordinances that established the Mattoon I -57 East Tax Increment Financing District.

CITY OF MATTOON, ILLINOIS SPECIAL ORDINANCE NO. 2005-1092

AN ORDINANCE REPEALING ORDINANCES THAT ESTABLISHED THE MATTOON I-57 EAST TAX INCREMENT FINANCING DISTRICT

WHEREAS, the City of Mattoon, Illinois (the “Municipality”), acting through its City Council (the “Corporate Authorities”) and other officers and representatives, has duly noticed, held and conducted proceedings, including public hearing and joint review board action, preliminary to the designation of the “I-57 East Redevelopment Project Area” (the “Redevelopment Project Area”), the approval of the “City of Mattoon, Coles County, Illinois redevelopment project, the “Redevelopment Project”) and the adoption of tax increment financing to finance the Redevelopment Plan and the Redevelopment Project, all under and pursuant to the Tax Increment Allocation Redevelopment Act (65 ILCS 5/11-74.4-1 et seq., as supplemented and amended (the “TIF Act”)), which have been given effect by a series of four ordinances adopted prior to the consideration and adoption of this ordinance (collectively, the “TIF Ordinances”); and

WHEREAS, on February 19, 2004, a lawsuit was filed in the Coles County Circuit Court (Case 2004-CH - 19) seeking an injunction and restraining order on implementation of this Redevelopment Project; and

WHEREAS, the plaintiff contends that the Redevelopment Project Area does not qualify under requirements of the TIF Act for use of tax increment financing; and

WHEREAS, discovery in this lawsuit disclosed that final subdivision plats for the Redevelopment Project Area, although approved by the Planning Commission and City Council, had not been signed and recorded with Coles County Clerk prior to the City Council’s approval of the TIF Ordinances; and

WHEREAS, the failure to record the final subdivision plats is a procedural oversight and does not effect the overall validity of the selected property as qualified under the TIF Act; and

WHEREAS, legal counsel for the City has given an opinion that this procedural omission could jeopardize the successful defense of this lawsuit.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The TIF Ordinances adopted to establish the Mattoon I-57 Tax Increment Financing District are hereby repealed.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Section 4. The City Clerk is authorized and directed to submit a certified copy of this ordinance to the County Clerk of Coles County, Illinois, representatives of all other taxing bodies affected by this ordinance and to representatives of the Illinois Department of Commerce and Economic Opportunity and the Comptroller of the State of Illinois, who are responsible for reporting pertaining to tax increment finance in this state.

Upon motion by Mayor White, seconded by Commissioner Schilling, adopted this 2nd day of August, 2005, by a roll call vote, as follows:

AYES (Names)	<u>Commissioner Cline, Commissioner Cook,</u> <u>Commissioner Ervin, Commissioner Schilling,</u> <u>Mayor White</u>
NAYS (Names)	<u>None</u>
ABSENT (Names)	<u>None</u>

Approved this 2nd day of August, 2005.

/s/ Charles E. White
Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on 8/3/2005.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Cook, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Ervin moved to approve Council Decision request 2005-493, authorizing the city attorney to initiate proceedings in the circuit court seeking a court order directing the owners of real estate to abate a dangerous building and nuisance condition at 1410 Broadway a/k/a the Club Illini.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Cook, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner Cline moved to approve Council Decision Request 2005-494, authorizing agreements with Core Construction, Crawford, Murphy & Tilly in resolution of the City's claims for the repair and painting filters at the water treatment plant.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Cook, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

NEW BUSINESS

Mayor White seconded by Commissioner Schilling moved to adopt Resolution 2005-2604, amending Resolution No. 2005-2584 and revising the General Fund Health & Welfare budget by the addition of \$1,500 to underwrite \$3.35 per month of the cost for life insurance for eligible retirees 70 years of age and older for the period May 1, 2005 through April 30, 2006.

CITY OF MATTOON, ILLINOIS RESOLUTION NO. 2005-2604

A RESOLUTION AMENDING RESOLUTION NO. 2005-2584 AND REVISING THE GENERAL FUND HEALTH & WELFARE BUDGET BY THE ADDITION OF \$1,500 TO UNDERWRITE \$3.35 PER MONTH OF THE COST FOR LIFE INSURANCE FOR ELIGIBLE RETIREES 70 YEARS OF AGE AND OLDER FOR THE PERIOD MAY 1, 2005 THROUGH APRIL 30, 2006

WHEREAS, Section 2 of Resolution No. 2005-2584, adopted April 19, 2005, established a retiree contribution for life insurance at \$6.70 per month for those under 70 years of age and \$3.35 for those 70 years of age and older; and

WHEREAS, the life insurance benefit decreases from \$10,000 to \$5,000 for persons 70 years of age and older;

WHEREAS, the lower monthly contribution for retirees 70 years of age and older was anticipated in Resolution No. 2005-2584 by the 50% reduction in the value of policy; and

WHEREAS, the low bid for group life insurance coverage bound with EMC National Life Company for a three-year term effective May 1, 2005 by Council Decision Request 2005-428 did not offer a 50% reduction in monthly premium for this group of retirees; and

WHEREAS, it would be appropriate for the City to underwrite the cost of this increased life insurance premium for the current fiscal year provided it be clearly understood that this group of retirees will begin paying the full amount for the cost of their life insurance next fiscal year; and

WHEREAS, the total cost of the increased life insurance premium for this group of retirees could be

\$1,403.65 on an annual basis for the current fiscal year for approximately 36 persons.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Retirees, who are currently enrolled and who become eligible, may participate in the City of Mattoon's group term life insurance plan by monthly withholdings from pensions, whether paid by the Illinois Municipal Fund, the Firefighters Pension Fund or the Police Pension Fund. For the period may 1, 2004 through April 30, 2006, the retiree contribution for life insurance shall be \$6.70 per month for those under 70 years of age and \$3.35 for those 70 years of age and older.

Section 2. The General Fund Health & Welfare Budget (Account 110-5424-212) for the 2005/2006 fiscal year in revised by the addition of \$1,500 to underwrite \$3.35 per month of the cost for life insurance for eligible retirees 70 years of age and older for the term May 1, 2005 through April 30, 2006.

Section 3. For the period May 1, 2006 through April 30, 2008, the retiree contribution for life insurance shall be \$6.70 per month.

Section 4. All contributions for payment of life insurance shall be deducted directly on a monthly basis from the pension benefits received by the retiree. The only exception to the direct deduction rule shall be when the IMRF rules and regulations do not allow for said direct deduction.

Upon motion by Mayor White, seconded by Commissioner Schilling, adopted this 2nd day of August, 2005, by a roll call vote, as follows:

AYES (Names) Commissioner Cline, Commissioner Cook,
Commissioner Ervin, Commissioner Schilling,
Mayor White

NAYS (Names) None

ABSENT (Names) None

Approved this 2nd day of August, 2005.

/s/ Charles E. White
Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

/s/ Susan J. O'Brien, City Clerk
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on 08-03, 2005.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Cook, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Cline seconded by Commissioner Ervin moved to approve Council Decision Request 2005-

495, approving the temporary employment, if necessary, of a construction inspector for the 2005 local street improvement program for about four weeks at a base wage rate of \$20.00 per hour with financing from the project budget in the Motor Fuel Tax Fund.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Cook, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Ervin moved to recess to closed session at 7:11 p.m. pursuant to the Illinois Open Meetings Act for the purpose of considering the employment, performance or dismissal of employees of the municipality (5 ILCS 120(2)(c)(1)) and litigation affecting or on behalf of the City of Mattoon (5 ILCS 120/2(c)(11)) consisting of the Review of Performance Appraisals of Management & Supervisory Employees (Marsha True, Admin. Asst.; Chris Hartbank, Water & Sewer Supt.; Kurt Stretch, Park Supt.; Brenda Smith, Admin. Asst.; Rick Pinnell, Chief Wastewater Treatment Plant Operator).

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Cook, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Council reconvened from closed session at 8:21 p.m.

Director Wortman updated the Council on the 9th Street construction status.

Mayor White seconded by Commissioner Schilling moved to adjourn at 8:22 p.m.

Mayor White declared the motion carried by the following votes: YEA Commissioner Cline, YEA Commissioner Cook, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

/s/ Susan J. O'Brien

City Clerk